

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY


(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 19 SEP 2005

WIPO

PCT

Applicant's or agent's file reference PWO051538		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/US2004/018257		International filing date (day/month/year) 09.06.2004		Priority date (day/month/year) 09.06.2003
International Patent Classification (IPC) or national classification and IPC B65D83/04, A61J1/03				
Applicant MEADWESTVACO CORPORATION				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of 2 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (Indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 10.01.2005		Date of completion of this report 20.09.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Bridault, A Telephone No. +31 70 340-3224		



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/US2004/018257

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

1-6 as originally filed

Claims, Numbers

1-6 received on 13.04.2005 with letter of 13.04.2005

Drawings, Sheets

1/2, 2/2 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☒ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☒ the claims, Nos. 7
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/US2004/018257

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-6
	No: Claims	
Inventive step (IS)	Yes: Claims	1-6
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-6
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

- 1 Reference is made to the following document:

D1: US 5 332 096 A

- 2 The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows a system for storing and opening encased articles from which the subject-matter of claim 1 differs in that there is provided a container for the encased articles and the cutting apparatus is fastened to this container.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as providing a more convenient system.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

It is generally known to store encased articles, in particular pills contained in blister strips, in carton boxes. However, the skilled person, knowing this, and considering the cutting apparatus of D1, could envisage putting said cutting apparatus in the box together with the blister strip, but would not obviously consider fastening the apparatus to the carton box.

- 3 Claims 2 to 5 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.
- 4 Method claim 6 exactly reflects product claim 1, and its subject-matter is therefore new and inventive for the same reasons.

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/US2004/018257

Re Item VII

Certain defects in the international application

- 1 Independent claims 1 and 6 are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(I) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
- 2 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

5 We claim:

1. A system for storing and opening encased articles, comprising:

a container (12) configured to store at least one removable article encased within a protective seal (28);

a seal cutting apparatus (40), in combination with said container (12), comprising:

10 a receiving channel (50) defined by a first edge (44) spaced apart from a substantially parallel second edge (48);

a cutting member (60) including a cutting edge (62), said cutting member (60) positioned so said cutting edge (62) extends between said first edge (44) and said second edge (48);

15 wherein said receiving channel (50) is configured to slideably receive at least a portion of said seal (28) and said cutting edge (62) is configured to cooperatively cut said seal portion as it is inserted into and translated along said channel (50), wherein said cut seal portion facilitates access to said article wherein said cutting apparatus (40) is fastened to said container (12).

20 2. The system of claim 1, wherein said first edge (44) defines a slidcable abutment structure and said second edge (48) defines a backstop.

3. The system of claim 2, wherein said backstop (48) includes a seating compartment (64) which receives and seats said cutting member (60).

25 4. The system of claim 3, wherein said cutting member (60) is stabilized and bound by a securing member (66).

5 5. The system of claim 4, wherein said cutting edge (62) projects away from said backstop (48) and extends into a relief nick (46) integral to said slideable abutment structure.

6. A method of providing and opening encased articles, comprising:

 providing a combination container and seal cutting apparatus;

 inserting a plurality of articles into said container, wherein said articles are
10 encased within individual protective seals;

 distributing said container with articles and seal cutting apparatus to an end-user;
 removing a first article from said container;

 inserting at least a portion of said first article's protective seal into said seal
cutting apparatus;

15 operating said seal cutting apparatus to cut said portion of seal; and,

 retrieving said article from said protective seal wherein said cutting apparatus is
fastened to said container.